

DOCKET NO. 2003.09.009.NS0
U.S. SERIAL NO. 10/810,493
PATENT

REMARKS

Claims 1-20 were originally filed in the present application.

Claims 1-3, 5-10 and 12-20 are pending in the present application.

Claims 1-3, 5-10 and 12-20 were rejected in the December 19, 2007 Final Office Action.

No claims have been allowed.

Claims 1-3, 5-10, and 12-20 remain in the present application.

Reconsideration of the claims is respectfully requested.

In Sections 4 of the December 19, 2007 Final Office Action, the Examiner rejected Claims 1-3, 5-10 and 12-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,094,479 to *Lindeberg et al.* (hereafter, "Lindeberg") in view of U. S. Patent No. 6,088,749 to *Hebert et al.* (hereafter, "Hebert").

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. (*MPEP* § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992)). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984)). Only when a *prima facie* case of obviousness is established does the burden shift to the Applicants to produce evidence of nonobviousness. (*MPEP* § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993)). If the Patent Office

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does not produce a *prima facie* case of unpatentability, then without more the Applicants are entitled to grant of a patent. (*In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985)).

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success cannot be based on the Applicants' disclosure. (*MPEP* § 2142).

The Applicants respectfully disagree and traverse the §103(a) rejections. The Applicants direct the Examiner's attention to independent Claim 1, which recites the unique and novel limitations emphasized below:

1. For use in a telecommunication network, a switch comprising:
a plurality of call control agent functions, at least two of the call control agent functions associated with different signaling protocols, the signaling protocols defining a plurality of signaling control primitives; and
first and second call control functions operable to control routing of telephone calls through the switch, wherein
the first and second call control functions are accessed using an application programming interface (API), the API comprising a plurality of classes defining objects representing the signaling control primitives, and
each of the first and second call control functions is accessed by the other call control function using the API. (emphasis added)

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The Examiner recited the following part of the Lindeberg reference in rejecting the limitation of "at least two of the call control agent functions associated with different signaling protocols":

"Information flows between network functions residing in the different service control and service switching points are implemented in the IN application layer protocol (INAP). The INAP protocol uses transport capabilities application part (TCAP) on top of the connectionless SCCP (signaling connection control part). The application layer messages are specified in abstract syntax notation one (ASN.1). The SSPs 241 and 245 are connected to the SCP 231 by INAP links 281 and 282, respectively". (Col. 7, line 2-9) (emphasis added)

The Applicants believe that the Examiner has mistaken two different layers of one signaling protocol for two different signaling protocols. The Applicants respectfully assert that the Lindeberg reference teaches one Intelligent Network (IN) protocol stack that has multiple protocol layers, including INAP layer on top of SCCP layer, on top of the TCAP layer. In contrast, the Applicants claimed "different signaling protocols", each of which may have a stack of multiple protocol layers. Examples of such different signaling protocols may include Signaling System 7 (SS7) protocol and Session Initiation Protocol (SIP) signaling protocol. The SS7 signaling protocol may include multiple protocol layers such as a TCAP layer on top of a SCCP layer, on top of an MTP (message transport point) layer, and so on. The SIP signaling protocol may include multiple protocol layers such as a session layer on top of an IP layer, on top of a link layer and so on.

The Examiner cited the following portions of the Lindeberg reference and the Hebert reference in rejecting the claimed limitation of "the signaling protocols defining a plurality of signaling control primitives":

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"A CCF is the core of the traditional telephony switch which performs the actual switching of calls. The CCF provides the service switching function with 'hooks' and 'handles' to allow the call to be controlled by the service control function. The CCAF provides the connectivity between a customer's telephone and the public telephony network." (Lindeberg at Col. 6, lines 52-57)

"Network Signaling Protocol Layer 3 corresponds generally with the Network layer of the OSI model. The software represented by Network Signaling protocol Layer 3 runs either on the CPU/matrix card 112 or on line cards which include their own microprocessors, such as line cards 114 or 115 or packet engine card 117, and is responsible for in and out-of-band network signaling supervision as well as network protocol level control of incoming and outgoing calls." (Hebert at Col. 6, lines 65-68 and Col. 7, lines 1-5).

The Applicants respectfully note that the claimed limitation of "signaling primitives" were misunderstood to mean the physical network facilities, such as the CPU/matrix card 112, line cards 114 or 115, or packet engine card 117, that a signaling protocol or any switching software application may use. In contrast, the claimed "signaling primitives," as defined in the application and understood in the art, are the entities that implement specific signaling functions. The Applicants also note that neither Lindeberg nor Hebert teaches or suggests the limitation of "a plurality of classes defining objects representing the signaling control primitives."

Therefore, Claim 1 is patentable over the Lindeberg reference, either alone or in combination with the Hebert reference. Independent Claims 8 and 16 recite limitations that are analogous to these limitations in Claim 1 and are therefore also patentable over the Lindeberg reference, either alone or in combination with the Hebert reference. Additionally, dependent Claims 2-3 and 5-7, Claim 8-10 and 12-15, and Claims 17-20 depend from Claim 1, 8, or 16, respectively and are therefore patentable due to their dependence from allowable base claims.

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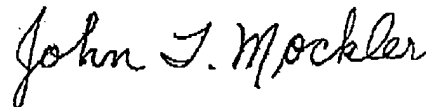
SUMMARY

For the reasons given above, the Applicants respectfully request reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

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Date: February 19, 2008

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